



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 3284-00

12 September 2000

YN [REDACTED] USN RET
[REDACTED]
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 23 June 2000, a copy of which is attached. They also considered your letter dated 19 August 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Since they found no document reflecting your selection for advancement to pay grade E-8, they did not reach your contention that as a result of racial discrimination, your advancement pursuant to such selection was not effected. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

**DEPARTMENT OF THE NAVY****NAVY PERSONNEL COMMAND****5720 INTEGRITY DRIVE****MILLINGTON TN 38055-0000**

1430

Ser 85/699

23 Jun 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF

[REDACTED] US [REDACTED]

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #03284-00

1. Based on policy and guidelines established in reference (a), enclosure (1) is returned recommending disapproval.

2. [REDACTED] states he had a pending promotion to Senior Chief when he retired from active duty on 4 November 1977. Having reviewed Chief [REDACTED] documents there is nothing to indicate he was selected for advancement to Senior Chief. There is a Naval Message of 30 November 1976 stating if Chief [REDACTED] selected for advancement to LNCS he can be promoted to YNCS due to his rating conversion. However, there is no indication of him being selected for advancement.

[REDACTED]

By direction